

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 86818

Austin G Haywood III
Bethany Haywood

626 Wallerson Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on March 22, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, failure to remove all junk trash and debris from residential property.

On February 10, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Charles Krick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Austin Haywood III, Respondent and, Charles Krick, Baltimore County Code Enforcement Officer.

Testimony revealed that upon a faxed complaint an inspection of the property took place on 11/12/10 revealing tall grass and weeds, trash, debris, junk and what appeared to be a chicken coop on the property. A correction notice was issued. A re-inspection on 11/30/10 showed no appreciable improvement but the inspector granted additional time at the request of the owner to bring the property into compliance. A re-inspection on 2/10/11 continued to show the same issues and as a result a citation was issued, mailed and posted. A pre-hearing inspection on 3/17/11 revealed that the property was still in considerable violation. The inspector noted that there was a history of the same trash and junk related violations dating back to 2008. Respondent testified that he and his wife were home schooling their four children and that the chickens had been a gift to utilize as a "science project". He acknowledged that he now understood that he was not allowed to do so on the premises and would get

rid of them. He gave some acknowledgment and explanation as to some of the bags not containing trash.

Having heard the testimony and evidence presented at the hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that \$350.00 of the \$400.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that a contractor be authorized by Baltimore County to remove all trash and debris on the property as soon as possible.

IT IS FURTHER ORDERED that the remaining \$350.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25th day of March 2011

Signed: Original Signed 3/25/11
Lawrence M. Stahl
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.